

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

**IN RE: MIDLAND CREDIT
MANAGEMENT, INC., TELEPHONE
CONSUMER PROTECTION ACT
LITIGATION**

CASE NO. 11-md-2286-MMA (MDD)

Member cases: 10-cv-02261

10-cv-02600

11-cv-02368

11-cv-02370

**JOINT REPORT OF PARTIES'
PLANNING MEETING [F.R.C.P. 26(f)]**

Pursuant to the Court's order of October 13, 2011 and in preparation for the November 2, 2011 teleconference, the parties submit the following report:

- 1. Scheduling a Hearing on Motions to Remand:** The parties do not anticipate any motions to remand.
- 2. Filing of Consolidated Amended Complaint:** If the Court requires a Consolidated Amended Complaint, the Plaintiffs request 30 days after the designation of lead counsel to file a Consolidated Amended Complaint.
- 3. Filing of Motions to Dismiss:** At this time, the parties do not anticipate any motions to dismiss.
- 4. Discovery Deadlines:** The parties propose the following schedule, which does not contemplate a bifurcation of "class" and "merits" discovery.
 - a. Close of discovery (excluding expert discovery):** Plaintiff proposes that all fact discovery be completed by May 1, 2012. Defendants propose that all fact discovery be completed by July 2, 2012 with the following dates extended accordingly, as reflected below.

b. Expert Discovery:

- i.** Plaintiffs propose that Expert Reports be submitted by May 15, 2012. Depositions of these experts to be completed by June 1, 2012. Defendants propose that Expert Reports be submitted by July 16, 2012, with depositions to be completed by August 1, 2012.
- ii.** Plaintiffs propose that reports from rebuttal experts be submitted by June 15, 2012 and depositions of those experts be completed by July 1, 2012. Defendants propose that reports from rebuttal experts be submitted by August 15, 2012, and depositions of rebuttal experts be completed by September 4, 2012.

c. Class Certification: Plaintiffs propose to file a Motion for Class Certification by May 15, 2012. Defendants propose that the deadline for the Motion for Class Certification be July 16, 2012.

d. Summary Judgment: Plaintiffs propose that any motions for summary judgment be filed by August 1, 2012, any responses be filed within 21 days and replies 14 days thereafter. Defendants propose that any motions for summary judgment be filed by October 1, 2012, any responses to be filed within 21 days and replies 14 days thereafter.

Date: November 2, 2011

Respectfully Submitted,

<p><u>s/James O. Latturner</u> James O. Latturner EDELMAN COMBS LATTURNER & GOODWIN, LLC 120 S. Lasalle Street, Suite 1800 Chicago, Illinois 60603 Email: jlatturner@edcombs.com Email: courtecl@edcombs.com</p> <p><u>s/ Joseph Darrel Palmer</u> Joseph Darrell Palmer Law Office of Darrell Palmer 603 North Highway 101, Suite A Solano Beach, CA 92075 Email: danell.palmer@cox.net (darrell.palmer@palmerlegalteam.com) <i>Counsel for Plaintiff: Eduardo Tovar</i> S.D. California, No. 3:10-cv-02600</p> <p><u>s/ Amy M. Gallegos</u> Amy M. Gallegos Hogan Lovells US LLP 1999 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067-6047 Email: amy.gallegos@hoganlovells.com <i>Counsel for Defendant: Midland Credit Management</i> S.D. California, No. 3:10-cv-02600 <i>Counsel for Defendant: Midland Funding, LLC</i> S.D. California, No. 3:10-cv- 02261</p> <p><u>s/ Joshua Swigart</u> Joshua Swigart Hyde and Swigart 411 Camino Del Rio South, Suite 301 San Diego, CA 92108 Email: josh@westcoastlitigation.com <i>Counsel for Plaintiff: Christopher Robinson</i> S.D. California, No. 3:10-cv- 02261</p>	<p><u>s/Abbas Kazerounian</u> Abbas Kazerounian Kazerounian Law Group 2700 North Main Street, Suite 1050 Santa Ana, CA 92866 Email: ak@kazlg.com <i>Counsel for Plaintiff: Christopher Robinson</i> S.D. California, No. 3:10-cv- 02261</p> <p><u>s/ Douglas J. Campion</u> Douglas J. Campion Law Offices of Douglas J. Campion 409 Camino Del Rio South, Suite 303 San Diego, CA 92108-3507 Email: doug@djcampion.com <i>Counsel for Plaintiff: Christopher Robinson</i> S.D. California, No. 3:10-cv- 02261</p> <p><u>s/ Curtis C. Warner</u> Curtis C. Warner Warner Law Firm, LLC Millennium Park Plaza 155 N. Michigan Avenue, Suite 560 Chicago, IL 60601 Email: cwarner@warnerlawllc.com <i>Counsel for Plaintiff Dave Scardina</i> N.D. Illinois, No. 1:11-cv-03149</p> <p><u>s/ Alexander Holmes Burke</u> Alexander Holmes Burke Burke Law Offices, LLC 155 N. Michigan Ave., Suite 9020 Chicago, IL 60601 E-mail: aburke@burkelawllc.com <i>Counsel for Plaintiff: Nicholas Martin</i> N.D. Illinois, No. 1:11-cv-03104</p>
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CERTIFICATE OF SERVICE

I, James O. Lattuner, hereby certify that a copy of the foregoing **JOINT REPORT OF PARTIES' PLANNING MEETING [F.R.C.P. 26(f)]** and this Certificate of Service was filed via CM/ECF on November 2, 2011, which sent notice by email to the following:

<p>Joseph Darrell Palmer Law Office of Darrell Palmer 603 North Highway 101, Suite A Solano Beach, CA 92075 Email: danell.palmer@cox.net (darrell.palmer@palmerlegalteam.com) <i>Counsel for Plaintiff: Eduardo Tovar</i> S.D. California, No. 3:10-cv-02600</p> <p>Amy M. Gallegos Hogan Lovells US LLP 1999 Avenue of the Stars, Suite 1400 Los Angeles, CA 90067-6047 Email: amy.gallegos@hoganlovells.com <i>Counsel for Defendant: Midland Credit Management</i> S.D. California, No. 3:10-cv-02600 <i>Counsel for Defendant: Midland Funding, LLC</i> S.D. California, No. 3:10-cv- 02261</p> <p>Joshua Swigart Hyde and Swigart 411 Camino Del Rio South, Suite 301 San Diego, CA 92108 Email: josh@westcoastlitigation.com <i>Counsel for Plaintiff: Christopher Robinson</i> S.D. California, No. 3:10-cv- 02261</p> <p>Abbas Kazerounian Kazerounian Law Group 2700 North Main Street, Suite 1050 Santa Ana, CA 92866 Email: ak@kazlg.com <i>Counsel for Plaintiff: Christopher Robinson</i></p>	<p>Theodore Wilson Seitz Dykema Gossett, PLLC 124 West Allegan, Suite 800 Lansing, MI 48933 Email: tseitz@dykema.com <i>Counsel for Defendant Midland Funding, LLC</i> N.D. Illinois, No. 1:11-cv-03104 <i>Counsel for Defendant Midland Credit Management, Inc.</i> N.D. Illinois, No. 1:11-cv-03149</p> <p>Renee Lynn Zipprich James Michael Golden Dykema Gossett PLLC 10 South Wacker Drive, Suite 2300 Chicago, IL 60606 Email: rzipprich@dykema.com Email: jgolden@dykema.com <i>Counsel for Defendant Midland Funding, LLC</i> N.D. Illinois, No. 1:11-cv-03104 <i>Counsel for Defendant Midland Credit Management, Inc., Midland Funding LLC, and Encore Capital Group, Inc.</i> N.D. Illinois, No. 1:11-cv-03149</p> <p>Brett J. Natarelli Dykema Gossett PLLC 10 South Wacker Drive, Suite 2300 Chicago, IL 60606 Email: bnatarelli@dykema.com <i>Counsel for Defendant Midland Credit Management, Inc., Midland Funding</i></p>
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s/ James O. Latturner
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